

REMARKS

Claims 1-21 are now pending.

The Examiner is thanked for his kind allowance of claims 8-9 and 16-17.

Claims 4-6, 14-15, and 18-21 have been cancelled, without prejudice.

Claims 1-3, 7-13, and 16-17 have been amended to further particularly point out and distinctly claim subject matter regarded as the invention. The amendment also contains minor changes of a clerical nature.

New claims 22-44 have been added by this amendment and also particularly point out and distinctly claim subject matter regarded as the invention.

No "new matter" has been added by the amendment.

The 35 U.S.C. §102 Rejection

Claims 1-7 and 18-19 stand rejected under 35 U.S.C. §102(b) as being allegedly anticipated by Sidhu et al. (U.S. Pat. No. 5,150,464). This rejection is respectfully traversed.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference."

Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 869 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). *See also*, M.P.E.P. §2131.

Claim 1, as amended, defines a method for detecting the path to a first network device, comprising (a) receiving a data packet from a second network device, the data packet containing a hop count, a destination Ethernet address corresponding to the first network device, and a source Ethernet address corresponding to the second network device, (b) decrementing the hop count by one to form a modified data packet, (c) determining at least one port on a network device receiving the data packet, by examining the destination Ethernet address, and (d) forwarding the modified data packet through the at least one port.

Sidhu discloses packet transmission in an Ethernet network **100** (FIG. 8, column 7, lines 25-48). Sidhu also discloses a Datagram Delivery Protocol (DDP) header **900** which includes a field **901** containing a hop count **952** (FIG. 9, column 13, lines 28-48). However, Sidhu describes the hop count **952** as follows:

The hop count **952** is initially set to zero at the source node and is *incremented* by one each time the packet traverses a router as shown in FIG. 8. If the hop count reaches a value of \$F or 15 (decimal), then the packet is discarded (no longer forwarded) by the routers in the internet. This is because in the preferred embodiment, the number of “hops” or internet routers a packet may traverse is limited to 16. (Column 13, lines 41-48, *emphasis added*)

Thus, in Sidhu, the hop count **952** is incremented when forwarded from one router to another, contrary to decrementing the hop count by one to form a modified data packet, as recited in claim 1. Such increment of the hop count necessary in Sidhu since a packet must be automatically discard when it reaches a predetermined number of hop count which defines the packet’s time to live. Accordingly, not only Sidhu fails to

disclose a hop count decremented by one, it also teaches away from decrementing the hop count to form a modified data packet, as recited in claim 1.

Claims 3 and 7 include substantially the same distinctive features as claim 1. Other independent claims 5 and 18 which stand rejected have been cancelled without prejudice. Accordingly, it is respectfully requested that the rejection of claims based on Sidhu be withdrawn. In view of the foregoing, it is respectfully asserted that the claims are now in condition for allowance.

Dependent Claims

Claims 2 and 10 depend from claim 1, claims 11-13 depend from claim 3, and thus include the limitations of claim 1 and 3, respectively. The argument set forth above is equally applicable here. The base claims being allowable, the dependent claims must also be allowable at least for the same reasons.

In addition, Kracht, which is the basis of the 35 U.S.C. §103 rejection, only teaches LAN switches and does not teach or suggest any of the above-discussed features recited in the independent claims. In view of the foregoing, it is respectfully asserted that the claims are now in condition for allowance.

Request for Allowance

It is believed that this Amendment places the above-identified patent application into condition for allowance. Early favorable consideration of this Amendment is earnestly solicited.

If, in the opinion of the Examiner, an interview would expedite the prosecution of this application, the Examiner is invited to call the undersigned attorney at the number indicated below.

The Commissioner is hereby authorized to charge any additional fees or credit any overpayment to Deposit Account 50-1698.

Respectfully submitted,
THELEN REID & PRIEST, LLP

Dated: June 6, 2003



Masako Ando
Limited Recognition under 37 CFR §10.9(b)

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JUN 13 2003

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